

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BETHANY BUILDING, INC.
8448 Algon Avenue
Philadelphia Pa 19152

Plaintiff,

VS.

BRIAN J. O'NEILL
Unknown
Philadelphia, PA 19102

Defendants.

CIVIL ACTION

NO. _____

NOTICE OF REMOVAL

Defendant Brian J. O'Neill, by and through his undersigned counsel, respectfully notifies this Court of the removal of this action from the Court of Common Pleas of Philadelphia County to the United States District Court for the Eastern District of Pennsylvania. The grounds for the removal of this action are as follows:

1. This action was commenced by plaintiff against defendant on January 31, 2002, by issuance of a writ of summons against defendant in the Court of Common Pleas of Philadelphia County, at January Term, 2002, No. 3864, in accordance with the Pennsylvania Rules of Civil Procedure. A copy of the Writ of Summons is attached hereto as Exhibit "A".

2. Defendant is the only defendant named in plaintiff's writ of summons.

3. Plaintiff's action against defendant was "re-commenced" against defendant on June 4, 2002, by the re-issuance of a writ of summons, in accordance with the Pennsylvania Rules of Civil Procedure.

4. It is impossible to determine from a writ of summons the factual and legal basis for a plaintiff's claims against a defendant.

5. No complaint has been filed by plaintiff in this case.

6. However, by letter dated June 4, 2002, counsel for plaintiff served undersigned counsel with a copy of its Case Management Conference Memorandum. Copies of the letter of June 4, 2002, and the Case Management Conference Memorandum are attached hereto as Exhibit "B".

7. Plaintiff's Case Management Memorandum states that plaintiff is seeking money damages against defendant for violation of plaintiff's rights under 42 U.S.C. § 1983.

8. Defendant has therefore been apprised that this case is subject to removal to the U.S. District Court.

9. This Court has original jurisdiction over plaintiff's federal claims pursuant to 28 U.S.C. § 1331, and, therefore, removal of plaintiff's entire action is proper under 28 U.S.C. § 1441.

WHEREFORE, defendant respectfully notifies this Court that the instant action, presently docketed in the Pennsylvania Court of Common Pleas, Philadelphia County, is hereby removed to the United States District Court for the Eastern District of Pennsylvania.

MICHAEL F. EICHERT
Chief Deputy City Solicitor
Attorney I.D. No. 25102
CHRISTOPHER I. MCCABE
Senior Attorney
Attorney I.D. No. 48296

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Dated: _____